

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

1940

PERSONAL LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF STATE AND POLITICAL SUBDIVISIONS

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

PERSONAL LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF STATE AND POLITICAL
SUBDIVISIONS California Proposition 17 (1940).
http://repository.uchastings.edu/ca_ballot_props/417

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

PERSONAL LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF STATE AND POLITICAL SUBDIVISIONS. Assembly Constitutional Amendment 42. Adds section 32a to Article IV of Constitution. Declares Legislature may authorize the State and counties, cities, cities and counties, school districts and other political subdivisions of State, to purchase insurance against personal liability of all officers, agents and employees thereof incurred while acting in connection with their offices, agencies or employments.

17

YES

NO

(For full text of measure, see page 22, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 42

This constitutional amendment was approved by the Legislature without a dissenting vote. It merely authorizes the Legislature, in its discretion, to grant the State and each political subdivision of the State the authority to insure the personal liability of its officers, agents and employees incurred while acting in connection with their offices, agencies or employments. This is an eminently fair and reasonable proposition. It does not interfere with the responsibilities of the Legislature.

In 1931, through the enactment of Chapter 1168, Statutes 1931, the Legislature did grant to the State and to cities, counties, cities and counties and school districts of the State the right to provide such insurance for their officers, agents and employees, but the Attorney General in his opinions Nos. NS1213 and NS1213a has held that such grant of authority was probably unconstitutional. This constitutional amendment, therefore, permits the Legislature to do what it has already indicated should be done.

Many individuals serving the State and its political subdivisions do so without any com-

pensation, and those persons, as well as those who do receive compensation for their services, are constantly endangered by the fact that in the performance of their official duties under the law they may unknowingly incur a personal liability of an extent which would be ruinous. The Legislature should be permitted to determine whether or not such persons should be given the protection authorized by the measure. The Legislature retains full control of the authority granted to it by the amendment.

The amendment does not in any way affect the liability of the State or any political subdivision of the State over which the Legislature now exercises complete control.

We respectfully urge a "YES" vote on this amendment.

HUBERT B. SCUDDER

Member of the Assembly,
Seventh District.

HENRY P. MEEHAN,

Member of the Assembly,
Seventeenth District.

Sec. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Sixth. That section 4.5 is hereby added to Article V, to read as follows:

Sec. 4.5. The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.

The legislation enacted at the Fifty-third Session of the Legislature regulating the manner of making returns of elections for Governor and Lieutenant Governor is hereby ratified and validated, and it shall have the same force and effect as if it had been passed after the adoption of this provision of the Constitution.

PERSONAL LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF STATE AND POLITICAL SUBDIVISIONS.

17 **Assembly Constitutional Amendment 42.** Adds section 32a to Article IV of Constitution. Declares Legislature may authorize the State and counties, cities, cities and counties, school districts and other political subdivisions of State, to purchase insurance against personal liability of all officers, agents and employees thereof incurred while acting in connection with their offices, agencies or employments.

YES	
NO	

Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article IV thereof a new section to be numbered 32a, relating to the insurance of the personal liability of officers, agents and employees of the State and counties, cities and counties, cities, school districts and all other political subdivisions of the State, incurred while acting within the scope of their office, agency or employment.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the

State of California that the Constitution of the State of California be amended by adding a new section to be numbered 32a to Article IV thereof, to read as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 32a. The Legislature may, notwithstanding any provision of this Constitution to the contrary, authorize the State and counties, cities, cities and counties, school districts and other political subdivisions of the State, to purchase insurance against the personal liability of all officers, agents and employees thereof incurred while acting in connection with their offices, agencies or employments.